APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,408	03/15/2001	Jennifer Anne Dervin	IBM / 181	3577

			EXAMINER
26517	7590	01/10/2005	CAO, CHUN

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ART UNIT	PAPER NUMBER
2115	

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/809,408	DERVIN ET AL.
		Examiner	Art Unit
		Chun Cao	2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 October 2004*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17 and 19-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *5,14,16 and 25-28* is/are allowed.

6)☒ Claim(s) *1-4,6,7,12,13,15,17,19-24,29,30 and 32-38* is/are rejected.

7)☒ Claim(s) *8-11,31 and 39* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-17 and 19-39 are presented for examination.

2.   The text of those applicable section of Title 35, U.S. Code not included in this

action can be found in the prior Office Action.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed
> publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4.   Claims 1-4, 6, 7, 12, 15, 23, 24, 29, 30, 32, 33 and 36-38 are rejected under 35

U.S.C. 102(a) as being anticipated by Touboul (Touboul), U.S. patent no. 6,125,390.

As per claim 1, Touboul teaches a method of restarting a node in a clustered

computer system [fig. 1], wherein the clustered computer system hosts a group

including first and second members that reside respectively on first and second nodes

[fig. 1; col. 6, lines 12-14], the method comprising:

in response to a clustering failure [error condition] the first node [workstation 10,

fig. 1], notifying the second member of the group using the first member by issuing a

request to the group [col. 7, lines 39-46]; and in response to the notification, initiating a

restart of the first node using the second member [management console] [col. 1, lines

48-51; col. 8, lines 10-18, 45-47; col. 9, lines 5-30].

As per claim 2, Touboul teaches the group comprises a cluster control group that includes a member on each node [workstation] participating in clustering in the clustered computer system and wherein the first and second members are each members of the cluster control group [fig. 1; col. 6, lines 12-17].

As per claim 3, Touboul teaches of notifying the second member comprises issuing a membership change request to the group using the first member [col. 1, lines 48-51; col. 8, lines 10-18, 45-47; col. 9, lines 5-30].

As per claim 4, Touboul teaches of issuing the membership change request includes indicating in association with the membership change request that the membership change request is for the purpose of restarting the first node [col. 1, lines 48-51; col. 8, lines 10-18, 45-47; col. 9, lines 5-30].

As per claim 6, Touboul teaches of initiating the restart includes issuing a start node request to the group using the second member [col. 1, lines 48-51; col. 8, lines 10-18, 45-47; col. 9, lines 5-30].

As per claim 7, Touboul teaches of issuing the start node request includes indicating in association with the start node request that the start node request is for the purpose of restarting the first node [col. 1, lines 48-51; col. 8, lines 10-18, 45-47; col. 9, lines 5-30].

As per claim 12, Touboul teaches of terminating clustering on the first node after notifying the second member of the group using the first member [col. 1, lines 48-51; col. 8, lines 10-18, 45-47; col. 9, lines 5-30].

As per claim 15 recites the method that is the combination of methods as claims 1-4 and 6-7, therefore, it is rejected accordingly based on the rejection of claims 1-4 and 6-7.

As to claims 23, 24, 29, 30, 32 and 33, Touboul teaches the claimed method of steps. Therefore, Touboul teaches the claimed apparatus and system to carry out the method of steps.

As to claims 36-38, Touboul teaches the claimed method of steps. Therefore, Touboul teaches the claimed program product to carry out the method of steps.

5.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul (Touboul), U.S. patent no. 6,125,390 in view of Wipfel et al. (Wipfel), US patent no, 6,151,688.

Wipfel is a prior art reference cited in prior office action.

As per claim 13, Touboul does not explicitly teach of selecting the second member from a plurality of members in the group to initiate the restart the first node. However, Wipfel teaches of selecting the second member [another node 106] from a plurality of members [fig. 1] in the group to initiate the restart the first node [col. 12, lines 21-31]. It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Touboul and Wipfel because the specify teachings of Wipfel stated above would improve the overall performance of Touboul system by allowing to select a particular member to restart the first node.

6.   Claims 17, 19-22 and 34-35 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wipfel et al. (Wipfel), US patent no, 6,151,688 in view of Nishanov et

al. (Nishanov), US patent no, 6,662,219.

As per claim 17, Wipfel discloses an apparatus [fig. 1], comprising:

a memory accessible by a node in a clustered computer system [fig. 2; col. 8,

lines 7-16]; and

a program resident in the memory, the program configured to initiate a restart of

another node in the clustered computer system in response to a notification from the

other node of a clustering failure on the other node [col. 11, line 61-col. 12, line 32],

wherein the program comprises a member of a group hosted by the clustered computer

system [figures 1, 2].

Wipfel does not explicitly disclose that the group including an additional member

residing on the other node, and wherein the notification comprises a request issued to

the group by the additional member.

Nishanov discloses that the group including an additional member residing on the

other node, and wherein the notification comprises a request issued to the group by the

additional member [fig. 2; col. 7, lines 8-12].

It would have been obvious to one of ordinary skill in the art at time the invention

to combine the teachings of Wipfel and Nishanov because the specify teachings of

Nishanov stated above would increase the reliability of Wipfel system by allowing the

other member to send a notification to other nodes.

As per claim 19, Nishanov discloses that the group comprises a cluster control group that includes a member on each node participating in clustering in the clustered computer system [col. 6, lines 52-60].

As per claim 20, Wipfel discloses that the program is configured to initiate the restart node request to the group [col. 12, lines 8-32].

As per claim 21, Wipfel discloses that the start node request indicates that the start node request is for the purpose of restarting the first node [col. 12, lines 8-32].

As per claim 22, Wipfel discloses that the program is configured to initiate the restart of the other node responsive to a membership change request received from the other node [col. 8, lines 52-59; col. 12, lines 8-32].

As to claims 34-35, Wipfel and Nishanov together teach the claimed method of steps. Therefore, Wipfel and Nishanov together teach the claimed program product to carry out the method of steps.

Allowable Subject Matter

7.   Claims 5, 14, 16 and 25-28 are allowed over the prior art.

8.   Claims 8-11, 31 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9.   Applicant's arguments filed on 10/21/2004 have been fully considered but are moot in view of new ground(s) of rejection. The examiner regrets the delay in the citation of the new references.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chun Cao whose telephone number is 571-272-3664.

The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should

be directed to the Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Chun Cao

Jan. 5, 2005